IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMARY SUIT NO. 527 OF 2004

M/s. Remik Marketing Services .....**Plffs.**

vs.

Shital Pipes P.ltd .....**Defnds.**

Ms. Nagma Shaikh i/b. A.N. Bhjidye for the plaintiffs.

CORAM: S.U. KAMDAR, J.

DATE : 17TH AUGUST, 2005.

P.C. :.

1. The present suit is filed for the recovery of sum of Rs.90,395/- alongwith interest on the principal amount of Rs.56,250/-. The present is suit is based on the goods sold and delivered under

the purchase orders, invoices and delivery challans. It is the case of the plaintiff that the said goods were sold and delivered to the defendants and inrespect of the receipt of the goods and without raising any dispute of any nature whatsoever, the defendant has withheld the said amount and not paid the same. Accordingly a notice was given on 7.2.2001 but the defendant did not make the payment. In view thereof the present suit is filed for the recovery of the said claim. After giving credits to the part payments the aforesaid amount is due and payable. In view of the fact that inspite of service none appears for the defendants. Affidavit of service dated 17.8.2005 is taken on record. The plaintiffs have also tendered the original documents which are taken on record. In the aforesaid circumstances there shall be a decree in favour of the plaintiffs and against the defendants as prayed for in prayer clause (a).

sd/-

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